

**SENATE JOURNAL
66TH LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
March 9, 2019

Senate Chambers
State Capitol

Senate convened at 9:02 a.m. President Sales presiding. Invocation by Senator Small. Pledge of Allegiance to the Flag.

Roll Call. Forty-four members present. Senators Ankney, Esp, Fielder, Hinebaugh, Vuckovich, and Webber, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/9/2019
Correctly printed: **SB 44, SB 224, SB 256, SB 271, SB 322, SR 16, HB 30, HB 44, HB 55, HB 58, HB 70, HB 105, HB 142, HB 151, HB 153, HB 154, HB 198, HB 247, HB 259, HB 283, HB 334.**
Signed by the Secretary of the Senate at 9:25 a.m., March 8, 2019: **SB 20, SB 25.**
Signed by the President at 4:00 p.m., March 8, 2019: **SB 20, SB 25.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/8/2019
SR 16, introduced resolution, be adopted.

Without objection, the committee report was adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 322, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.

The following House bills, previously introduced, were referred to committees:

HB 48, introduced by L. Bishop (by request of the Department of Justice), referred to Judiciary.
HB 56, introduced by J. Keane (by request of the Environmental Quality Council), referred to Judiciary.
HB 318, introduced by F. Garner, referred to State Administration.
HB 467, introduced by D. Hayman, J. Ellis, referred to Energy and Telecommunications.
HB 498, introduced by J. Bahr, referred to Judiciary.
HB 512, introduced by J. Bachmeier, B. Mercer, referred to State Administration.
HB 514, introduced by K. Dudik, M. Dunwell, A. Redfield, C. Smith, D. Zolnikov, referred to Taxation.
HB 523, introduced by K. Sullivan, K. Dudik, referred to Business, Labor, and Economic Affairs.
HB 524, introduced by M. Weatherwax, J. Bahr, R. Farris-Olsen, R. Peppers, T. Runningwolf, J.

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Small, S. Stewart Peregoy, S. Webber, J. Windy Boy, referred to State Administration.
HB 536, introduced by G. Custer, referred to State Administration.
HB 537, introduced by M. Regier, referred to Public Health, Welfare and Safety.
HB 542, introduced by B. Bessette, M. Caferro, K. Dudik, E. Kerr-Carpenter, S. Stewart Peregoy, referred to Public Health, Welfare and Safety.
HB 543, introduced by Z. Brown, referred to Judiciary.
HB 544, introduced by R. Lynch, D. Harvey, J. Keane, referred to Public Health, Welfare and Safety.
HB 549, introduced by K. Dudik, L. Bishop, referred to Judiciary.
HB 558, introduced by T. Winter, referred to Agriculture, Livestock and Irrigation.
HB 560, introduced by K. Kelker, referred to Public Health, Welfare and Safety.
HB 561, introduced by D. Zolnikov, referred to Judiciary.
HB 562, introduced by B. Grubbs, referred to Business, Labor, and Economic Affairs.
HB 567, introduced by D. Skees, S. Berglee, referred to Judiciary.
HB 576, introduced by D. Bedey, referred to Education and Cultural Resources.
HB 578, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
HB 579, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
HB 581, introduced by C. Knudsen, referred to Business, Labor, and Economic Affairs.
HB 585, introduced by B. Hamlett, B. Brown, S. Fitzpatrick, T. Jacobson, M. Lang, R. Lynch, G. Vuckovich, S. Webber, T. Welch, K. White, referred to Fish and Game.
HB 586, introduced by B. Hamlett, Z. Brown, E. Buttrey, W. Curdy, A. Doane, J. Ellsworth, T. Gauthier, B. Grubbs, S. Gunderson, J. Keane, M. Lang, T. Manzella, W. McKamey, D. Salomon, R. Shaw, G. Vance, R. Webb, S. Webber, T. Welch, K. White, referred to Agriculture, Livestock and Irrigation.
HB 589, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
HB 590, introduced by D. Fern, referred to Judiciary.
HB 591, introduced by L. Sheldon-Galloway, referred to Judiciary.
HB 592, introduced by R. Fitzgerald, referred to Agriculture, Livestock and Irrigation.
HB 596, introduced by G. Pierson, T. Moore, referred to Public Health, Welfare and Safety.
HB 598, introduced by M. Hopkins, J. Bahr, A. Olsen, referred to Public Health, Welfare and Safety.
HB 601, introduced by J. Fuller, J. Kassmier, referred to Education and Cultural Resources.
HB 604, introduced by J. Karjala, J. Bahr, B. Bessette, K. Dudik, M. Dunwell, E. Kerr-Carpenter, B. Usher, P. Webb, referred to Public Health, Welfare and Safety.
HB 612, introduced by D. Bartel, W. Galt, D. Kary, J. Kassmier, M. Lang, F. Moore, M. Noland, B. Tschida, referred to State Administration.
HB 615, introduced by S. Morigeau, referred to Judiciary.
HB 617, introduced by B. Usher, referred to Business, Labor, and Economic Affairs.
HB 619, introduced by D. Zolnikov, D. Bedey, L. Jones, referred to Education and Cultural Resources.
HB 622, introduced by R. Farris-Olsen, A. Olsen, referred to Judiciary.
HB 624, introduced by T. Moore, referred to Business, Labor, and Economic Affairs.
HB 625, introduced by B. Mercer, referred to Natural Resources.

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The following House joint resolutions, previously introduced, were referred to committees:

HJ 12, introduced by J. Read, D. Bedey, B. Brown, referred to Energy and Telecommunications.

HJ 17, introduced by W. Curdy, referred to Fish and Game.

HJ 20, introduced by J. Windy Boy, J. Bahr, B. Bessette, S. Morigeau, T. Runningwolf, S. Stewart Peregoy, M. Weatherwax, referred to State Administration.

HJ 24, introduced by W. McKamey, J. Fuller, referred to State Administration.

HJ 26, introduced by F. Mandeville, W. Galt, C. Glimm, G. Hertz, K. Holmlund, L. Jones, F. Moore, M. Regier, B. Tschida, referred to Judiciary.

HJ 27, introduced by W. McKamey, R. Shaw, referred to State Administration.

HJ 28, introduced by D. Bartel, D. Bedey, T. Burnett, A. Doane, D. Dunn, N. Duram, J. Fuller, W. Galt, C. Glimm, S. Greef, G. Hertz, S. Hinebauch, D. Kary, J. Kassmier, M. Lang, D. Lenz, B. Mercer, F. Moore, M. Noland, K. Regier, D. Skees, B. Tschida, G. Vance, P. Webb, R. Webb, K. White, referred to Agriculture, Livestock and Irrigation.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bogner in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 142 - Senator Gillespie moved **HB 142** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 44

Nays: None.

Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

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HB 151 - Senator Lang moved **HB 151** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 43

Nays: Regier.

Total 1

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

HB 247 - Senator Salomon moved **HB 247** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 44

Nays: None.

Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

HB 30 - Senator Cohenour moved **HB 30** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips,

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Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 44

Nays: None.

Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

HB 44 - Senator Cohenour moved **HB 44** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Webb, Welborn.

Total 34

Nays: Blasdel, Brown, Cuffe, Ellsworth, Howard, Kary, Olszewski, Smith C, Vance, Mr President.

Total 10

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

HB 55 - Senator Gauthier moved **HB 55** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 44

Nays: None.

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Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 58 - Senator Gillespie moved **HB 58** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 70 - Senator Gillespie moved **HB 70** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

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Total 6

Absent or not voting: None.

Total 0

HB 154 - Senator MacDonald moved **HB 154** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 44

Nays: None.

Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

HB 259 - Senator Fitzpatrick moved **HB 259** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 44

Nays: None.

Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

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Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas excused at this time.

Senator Bogner moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Webb, Welborn, Mr President.

Total 43

Nays: None.

Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Thomas, Vuckovich, Webber.

Total 7

Absent or not voting: None.

Total 0

Majority Leader Thomas present at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 44 passed as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Webb, Welborn, Mr President.

Total 43

Nays: Vance.

Total 1

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Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

SB 224 passed as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Welborn.

Total 31

Nays: Blasdel, Brown, Ellsworth, Howard, Kary, Lang, Olszewski, Osmundson, Smith F, Thomas, Vance, Webb, Mr President.

Total 13

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

SB 256 passed as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 42

Nays: Gross, Phillips.

Total 2

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

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Absent or not voting: None.

Total 0

SB 271 passed as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 44

Nays: None.

Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

HB 105 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 44

Nays: None.

Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.

Total 0

HB 153 concurred in as follows:

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Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Webb, Welborn, Mr President.
Total 42

Nays: Keenan, Vance.
Total 2

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 283 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced and thanked the Pages for this week:

Emma Frank, from East Helena, sponsored by Senator Olszewski.
Grace Culmey from Clancy, sponsored by Senator Cohenour.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 11, 2019, the forty-ninth legislative day. Motion carried.

Senate adjourned at 9:48 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate